

### REMARKS

The Office Action mailed September 06, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-61 are now pending in this application. Claims 18-21 and 57-60 are withdrawn from consideration. Claims 1-17, 22-56 and 61 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a one month extension of time is submitted herewith to extend the due date of the response to the Office Action dated September 06, 2006 for the above-identified patent application from December 06, 2006, through and including January 06, 2007. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of \$120.00 to cover this extension of time request is also submitted herewith.

The objection to the Oath/Declaration submitted on January 2, 2001 is respectfully traversed.

A proper Declaration in response to the Notice to File Missing Parts of Nonprovisional Application indicated as mailed on February 16, 2001 was submitted with Applicant's Petition for Withdrawal of Holding of Abandonment filed on July 24, 2002. Applicant has filed herewith a copy of Applicant's Petition, the Notice to File Missing Parts and the associated Declaration (nine (9) total pages). Applicant submits that the Declaration includes the inventor's signature, identifies the citizenship of the inventor, the inventor's post office address and the inventor's residence including city and state.

For at least the reasons set forth above, Applicant respectfully submits that a proper Declaration has been filed in this application and notification to that effect is respectfully solicited.

The objection to the drawings is respectfully traversed.

On November 04, 2002, Applicant filed with the U.S. Patent and Trademark Office by Certificate of Mailing a Transmittal of Formal Drawings including formal drawings of Figures 1-7. However, in an effort to expedite examination of this application, Applicant

files herewith a copy of the formal drawings filed on November 04, 2002 and with each replacement sheet labeled "Replacement Sheet."

For at least the reasons set forth above, Applicant respectfully requests that the drawings objection be withdrawn.

The rejection of Claims 1-3, 6-8, 10-17, 22-25, 28-30, 32-42, 45-47, 49-56 and 61 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0138289 to Thielges et al. (hereinafter referred to as "Thielges"), and further in view of U.S. Patent No. 6,853,958 to Turin et al. (hereinafter referred to as "Turin") is respectfully traversed.

Thielges describes a system and process for reporting incidents (200). Reporting incidents or scheduling future incidents, such as in the case of routine maintenance, is handled by the property management system. The system guides the users to create incidents and tracks those incidents to facilitate better property management. Depending on parameters associated with the user and location, different paths in Fig. 2 are followed. A property management system user decides to report an incident in step 202. In step 202, the user provides a description of the problem including type and urgency and location. The property management system creates a record in its database to contain this information regarding this incident.

Turin describes a repair and maintenance process for identification of a household problem and coordination of repair and maintenance services to remedy the problem. Specifically, in step 502, a homeowner becomes a customer of the repair and maintenance service provider. In step 504, a sensor system (204) is installed in the customer's house (202). The sensors are positioned in each of the locations in the house (202) that are to be monitored. In step 506, the sensor system (204) includes a transmitter that transmits monitored household data back to the central unit (206). In step 512, the detected data is stored in a database. In step 514, the central processor (210) compares the detected data with corresponding historical data and predetermined industry or manufacturer standards. In step 516, the central processor (210) determines whether the difference in the data is significant enough to require repair and maintenance.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Thielges nor Turin, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Thielges and Turin, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicant's own teaching. Rather, only the conclusory statement that "it would have been obvious to a person having ordinary skill in the art to combine system and method for collecting and disseminating household information and for coordinating repair and maintenance services of Turin with system and method for managing property teaching of Thielges to provide method and system which improve and overcome limitations of conventional repair and maintenance identification methods" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It also is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection

is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant requests that the Section 103 rejection be withdrawn.

Moreover, and to the extent understood, neither Thielges nor Turin, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 1 recites a method of maintaining information regarding an item, wherein the method includes “receiving information regarding at least one specification for the item, wherein the item requires maintenance prior to a user making a decision of at least one change to the item; storing the information in an electronic database; providing electronic access to the information; and providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.”

Neither Thielges nor Turin, considered alone or in combination, describes or suggests a method of maintaining information regarding an item, as recited in Claim 1. More specifically, neither Thielges nor Turin, considered alone or in combination, describes or suggests a method including “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance” and “providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.” Rather, Thielges describes, in case of incidents, guiding the users to create incidents and tracking those incidents to facilitate better property management, and Turin describes identifying a household problem with a sensor system that monitors the house.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Thielges in view of Turin.

Claims 2-3, 6-8, 10-17 and 22 depend from independent Claim 1. When the recitations of Claims 2-3, 6-8, 10-17 and 22 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-3, 6-8, 10-17 and 22 likewise are patentable over Thielges in view of Turin.

Claim 23 recites a system for maintaining information regarding an item, wherein the system includes “means for receiving information regarding at least one specification for the item, wherein the item requires maintenance, the means for receiving information configured to receive the information prior to a user making a decision of at least one change to the item; an electronic database for storing the information; means for providing electronic access to the information; and means for providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.”

Neither Thielges nor Turin, considered alone or in combination, describes or suggests a system for maintaining information regarding an item, as recited in Claim 23. More specifically, neither Thielges nor Turin, considered alone or in combination, describes or suggests a system including “means for receiving information regarding at least one specification for the item, wherein the item requires maintenance, the means for receiving information configured to receive the information prior to a user making a decision of at least one change to the item” and “means for providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.” Rather, Thielges describes a system, in case of incidents, guiding the users to create incidents and tracking those incidents to facilitate better property management, and Turin describes a system identifying a household problem with a sensor system that monitors the house.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Thielges in view of Turin.

Claims 24, 25, 28-30 and 32-39 depend from independent Claim 23. When the recitations of Claims 24, 25, 28-30 and 32-39 are considered in combination with the recitations of Claim 23, Applicant submits that dependent Claims 24, 25, 28-30 and 32-39 likewise are patentable over Thielges in view of Turin.

Claim 40 recites at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method maintaining information regarding an item, wherein the method includes “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance; storing the

information in an electronic database; providing electronic access to the information; and providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.”

Neither Thielges nor Turin, considered alone or in combination, describes or suggests the at least one program storage device, as recited in Claim 40. More specifically, neither Thielges nor Turin, considered alone or in combination, describes or suggests at least one program storage device embodying at least one program of instructions to perform a method including “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance,” and “providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.” Rather, Thielges describes a system to perform, in case of incidents, guiding the users to create incidents and tracking those incidents to facilitate better property management, and Turin describes a system to perform identifying a household problem with a sensor system that monitors the house.

Accordingly, for at least the reasons set forth above, Claim 40 is submitted to be patentable over Thielges in view of Turin.

Claims 41, 42, 45-47, 49-56 and 61 depend from independent Claim 40. When the recitations of Claims 41, 42, 45-47, 49-56 and 61 are considered in combination with the recitations of Claim 40, Applicant submits that dependent Claims 41, 42, 45-47, 49-56 and 61 likewise are patentable over Thielges in view of Turin.

The rejection of claims 4, 5, 9, 26, 27, 31, 43-44 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Thielges in view of Turin as applied to Claims 1, 23 and 40 above, and further in view of U.S. Patent No. 6,922,701 issued to Ananian (hereinafter referred to as “Ananian”) is respectfully traversed.

Thielges describes a system and process for reporting incidents as above.

Turin describes a repair and maintenance process as above.

Ananian describes an interactive profile system for a building. The interactive profile system (10) includes an application engine (20) and a profiling engine (30). A center feature

of the interactive profile system (10) is an enhanced profile database (40), which interacts with the application engine (20). The application engine (20) interfaces with a user (25). The process employs the interactive profile system (10) to interface with the user (25) and enable the user (25) to modify and query the enhanced profile database (40) that contains the highly detailed attributes of a specific building. To begin the formulation of the enhanced profile database, a plan set (50) is received by the interactive profile system (10). The plan set includes a plurality of potentially interrelated building components. The plan set is a fundamental description of the building or a portion of the building.

Claim 1 recites a method of maintaining information regarding an item, the method includes “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance; storing the information in an electronic database; providing electronic access to the information; and providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.”

None of Thielges, Turin and Ananian, considered alone or in combination, describes or suggests the method of maintaining information regarding an item, as recited in Claim 1. More specifically, none of Thielges, Turin and Ananian, considered alone or in combination, describes or suggests a method including “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance” and “providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.” Rather, Thielges describes, in case of incidents, guiding the users to create incidents and tracking those incidents to facilitate better property management, Turin describes identifying a household problem with a sensor system that monitors the house, and Ananian describes an interactive profile system that receives a plan set to formulate an enhanced profile database to enable the user to modify and query the enhanced profile database.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Thielges in view of Turin, and further in view of Ananian.

Claims 4, 5 and 9 depend from independent Claim 1. When the recitations of Claims 4-5 and 9 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4, 5 and 9 likewise are patentable over Thielges in view of Turin, and further in view of Ananian.

Claim 23 recites a system for maintaining information regarding an item, wherein the system includes “means for receiving information regarding at least one specification for the item, wherein the item requires maintenance, the means for receiving information configured to receive the information prior to a user making a decision of at least one change to the item; an electronic database for storing the information; means for providing electronic access to the information; and means for providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.”

None of Thielges, Turin and Ananian, considered alone or in combination, describes or suggests the system for maintaining information regarding an item, as recited in Claim 23. More specifically, none of Thielges, Turin and Ananian, considered alone or in combination, describes or suggests a system including “means for receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance” and “means for providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.” Rather, Thielges describes a system, in case of incidents, guiding the users to create incidents and tracking those incidents to facilitate better property management, Turin describes a system identifying a household problem with a sensor system that monitors the house, and Ananian describes an interactive profile system that receives a plan set to formulate an enhanced profile database to enable the user to modify and query the enhanced profile database.

Accordingly, for at least the reasons set forth above, Claim 23 is submitted to be patentable over Thielges in view of Turin, and further in view of Ananian.

Claims 26, 27 and 31 depend from independent Claim 23. When the recitations of Claims 26, 27 and 31 are considered in combination with the recitations of Claim 23, Applicant submits that dependent Claims 26, 27 and 31 likewise are patentable over Thielges in view of Turin, and further in view of Ananian.



Claim 40 recites at least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method maintaining information regarding an item, wherein the method includes “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance; storing the information in an electronic database; providing electronic access to the information; and providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.”

None of Thielges, Turin and Ananian, considered alone or in combination, describes or suggests the at least one program storage device, as recited in Claim 40. More specifically, none of Thielges, Turin and Ananian, considered alone or in combination, describes or suggests at least one program storage device embodying at least one program of instructions to perform a method including “receiving information regarding at least one specification for the item prior to a user making a decision of at least one change to the item, wherein the item requires maintenance” and “providing additional information related to the item based on the information in order to encourage the decision of the at least one change to the item.” Rather, Thielges describes a system to perform, in case of incidents, guiding the users to create incidents and tracking those incidents to facilitate better property management, Turin describes a system to perform identifying a household problem with a sensor system to monitor the house, and Ananian describes an interactive profile system that receives a plan set to formulate an enhanced profile database to enable the user to modify and query the enhanced profile database.

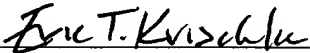
Accordingly, for at least the reasons set forth above, Claim 40 is submitted to be patentable over Thielges in view of Turin, and further in view of Ananian.

Claims 43, 44 and 48 depend from independent Claim 40. When the recitations of Claims 43, 44 and 48 are considered in combination with the recitations of Claim 40, Applicant submits that dependent Claims 43, 44 and 48 likewise are patentable over Thielges in view of Turin, and further in view of Ananian.

For at least the reasons set forth above, Applicant respectfully requests that the 103 rejection of Claims 1-17, 22-56 and 61 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

  
\_\_\_\_\_  
Eric T. Krischke  
Registration No. 42,769  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070